STATE OF NEW YORK

8826

IN SENATE

January 8, 2026

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the executive law, in relation to providing a rebuttable presumption relating to recertification as a minority and women-owned business enterprise

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 5 of section 314 of the executive law, as amended by a chapter of the laws of 2025 amending the executive law relating to providing a rebuttable presumption relating to recertification as a minority and women-owned business enterprise, as proposed in legislative bills numbers S. 596 and A. 2296, is amended to read as follows:

5. (a) With the exception of provisional MWBE certification, as provided for in subdivision twenty-three of section three hundred ten of this article, all minority and women-owned business enterprise certifications shall be valid for a period of five years.

(b) [~~Upon~~] **Within eighteen months of** the expiration of a minority and women-owned business enterprise certification and the submission of a new **and completed** application for minority and women-owned business enterprise [~~recertification~~] **certification**, if there is no change in the ownership **or capital contribution relied upon for certification** of the enterprise and no material change in the nature or management of the enterprise from the time of approval of a previous [~~original~~] minority and women-owned business enterprise certification that was approved within the previous [~~ten~~] **six** years **and six months**, if such application is compliant with [~~21 NYCRR 9606~~] **5 NYCRR 144** then there shall be a rebuttable presumption that the previous minority-owned business enterprise satisfies the requirements of paragraphs (a)[~~,~~] **and** (b) [~~and (c)~~] of subdivision seven of section three hundred ten of this article and that the previous women-owned business enterprise satisfies the requirements of paragraphs (a)[~~,~~] **and** (b) [~~and (c)~~] of subdivision fifteen of section three hundred ten of this article.

EXPLANATION--Matter in ***italics*** (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD01747-02-6

(c) The division in its discretion may review applications subject to this rebuttable presumption and issue such determination pursuant to all applicable laws and regulations. Any presumption of minority and women-owned business enterprise certification shall expire upon the final determination of an application for certification.

§ 2. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2025 amending the executive law relating to providing a rebuttable presumption relating to recertification as a minority and women-owned business enterprise, as proposed in legislative bills numbers S. 596 and A. 2296, takes effect.